TRANSPORTATION AND HOUSING AND URBAN DEVELOPMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2013

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[The following testimonies were received by the Subcommittee on Transportation and Housing and Urban Development, and Related Agencies for inclusion in the record. The submitted materials relate to the fiscal year 2013 budget request for programs within the subcommittee's jurisdiction.]

PREPARED STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

This statement focuses on the Department of Housing and Urban Development (HUD).

On behalf of the Nation's 37 Tribal Colleges and Universities (TCUs), which compose the American Indian Higher Education Consortium (AIHEC), thank you for the opportunity to express our views and recommendations regarding the Department of Housing and Urban Development Tribal Colleges and Universities' Program (TCUP) for fiscal year 2013.

SUMMARY OF REQUESTS

Department of Housing and Urban Development (HUD).—Beginning in fiscal year 2001, a TCU initiative had been administered by the HUD—Office of University Partnerships as part of the University Community Fund. This competitive grants program enabled TCUs to build, expand, renovate, and equip their facilities that are available to, and used by, their respective reservation communities. We strongly urge the subcommittee to reject the recommendation included in the President's fiscal year 2013 budget request and to support the goals of Executive Order 13592 to strengthen TCUs by funding the competitive HUD–TCU Program, at the fiscal year 2010 level of $5.435 million. Additionally, we request that language be included to permit that a small portion of the funds appropriated may be used to provide technical assistance to institutions eligible to participate in this competitive grants program.

TCU SHOESTRING BUDGETS: "DOING SO MUCH WITH SO LITTLE"

Tribal Colleges and Universities are accredited by independent, regional accreditation agencies and like all United States institutions of higher education, must periodically undergo stringent performance reviews to retain their accreditation status. TCUs fulfill additional roles within their respective reservation communities functioning as community centers, libraries, tribal archives, career and business centers, economic development centers, public meeting places, and child and elder care centers. Each TCU is committed to improving the lives of its students through higher education and to moving American Indians toward self-sufficiency.

TCUs have advanced American Indian higher education significantly since we first began four decades ago, but many challenges remain. Tribal Colleges and Universities are perennially underfunded. In fact, TCUs are the most poorly funded institutions of higher education in the country.

The tribal governments that have chartered TCUs are not among the handful of wealthy gaming tribes located near major urban areas. Rather, they are some of the poorest governments in the Nation. Tribal Colleges are home to some of the poorest counties in America.

The Federal Government, despite its trust responsibility and treaty obligations, has never fully funded the principal institutional operating budgets, authorized under the Tribally Controlled Colleges and Universities Assistance Act of 1978. The Tribal College Act authorizes basic institutional operations funding on a per Indian student basis; yet the funds are not appropriated in the same manner. In fiscal year 2011, Congress proposed level funding for TCU institutional operating grants and appropriated the communal pot of funds at the same level as fiscal year 2010. However, due to a spike in enrollments at the TCUs of over 1,660 Indian students in a single year, the TCUs are receiving funds at $549 less per Indian student toward their institutional operating budgets. Fully funding TCUs' operating budgets would require $8,000 per Indian student. TCUs are currently operating at $5,235 per Indian student. By contrast, Howard University located in the District of Columbia, the only other Minority-Serving Institution to receive institutional operations funding from the Federal Government, is funded at approximately $19,000 per student. We are by no means suggesting that Howard University does not need this funding, only that the TCUs' operating budgets are clearly grossly underfunded.

While TCUs do seek funding from their respective State legislatures for the non-Indian State-resident students (sometimes referred to as "non-beneficiary" students) that account for 20 percent of their enrollments, successes have been at best inconsistent. TCUs are accredited by the same regional agencies that accredit mainstream institutions, yet they have to continually advocate for basic operating support for their non-Indian State students within their respective State legislatures. If these non-beneficiary students attended any other public institution in the State, the State would provide that institution with ongoing funding toward its operations.

TCUs effectively blend traditional teachings with conventional postsecondary curricula. They have developed innovative ways to address the needs of tribal populations and are overcoming long-standing barriers to success in higher education for American Indians. Since the first TCU was established on the Navajo Nation in 1968, these vital institutions have come to represent the most significant development in the history of American Indian higher education, providing access to, and promoting achievement among, students who might otherwise never have known postsecondary education success.

Tribal Colleges and Universities provide access to higher education for American Indians and others living in some of the Nation's most rural and economically depressed areas. According to U.S. Census data[1], the annual per capita income of the U.S. population is $26,059. By contrast, the annual per capita income of American Indians is $15,671 or about 40 percent less. In addition to serving their student populations, TCUs offer a variety of much needed community outreach programs.

Inadequate funding has left many TCUs with no choice but to continue to operate under severely distressed conditions. The need for HUD–Tribal Colleges and Universities Program (TCUP) funding remains urgent for construction, renovation, improvement, and maintenance of key TCU facilities, such as basic and advanced science laboratories, computer labs, and increasingly important student housing, day care centers, and community services facilities. Although the situation has greatly improved at many TCUs in the past several years, some TCUs still operate—at least partially—in donated and temporary buildings. Few have dormitories, even fewer have student health centers and only one TCU has a science research laboratory. At Sitting Bull College in Fort Yates, North Dakota, competitively awarded HUD grant funds have been leveraged to expand the college's usable space from 12,000 square feet (sf) to 100,000 sf over 10 years. Additionally, HUD grant dollars have been used to address three leaking roofs that creating a mold problem in the area referred to at the college as the "Hall of Buckets." Currently, funds are being used to complete a renovation on its learning center, correcting major deficiencies, including recurring sewer and water issues, handicap accessibility problems, lack of effective safety/security measures (surveillance and alarm systems), and outdated washroom facilities.

As a result of more than 200 years of Federal Indian policy—including policies of termination, assimilation and relocation—many reservation residents live in conditions of poverty comparable to that found in third world nations. Through the efforts of TCUs, American Indian communities are availing themselves of resources needed to foster responsible, productive, and self-reliant citizens.

[1] Source: U.S. Census Bureau, 2010 American Community Survey.

JUSTIFICATIONS

Department of Housing and Urban Development.—Executive Order 13592 addressing American Indian education and strengthening of Tribal Colleges and Universities holds Federal agencies accountable to develop plans for integrating TCUs into their programs. TCUs work with tribes and communities to address all aspects of reservation life, including the continuum of education, housing, economic development, health promotion, law enforcement training and crime prevention. Likewise, Federal agencies need to work with TCUs. To achieve results, Congress needs to hold the administration accountable for strengthening the TCUs including their physical plants and that they are routinely included as full partners in all existing and potential Federal higher education programs. The HUD–TCU competitive grants program, administered by the Office of University Partnerships, is an excellent place to start. This competitive grants program has enabled TCUs to expand their roles and efficacy in addressing development and revitalization needs within their respective communities. No academic or student support projects have been funded through this program; rather, funding was available only for community based outreach and service programs and community facilities at TCUs. Through this program, some TCUs have been able to build or enhance child care centers, including Head Start facilities and social services offices; help revitalize tribal housing; establish and expand small business development; and enhance vitally needed community library services. Unfortunately, not all of the TCUs were able to benefit from this small but very important program. The program staff at the Department has no budget to provide technical assistance with regard to this program. If a small portion of the appropriated funds were to be available for program staff to conduct workshops and site visits, more of the TCUs and their respective communities could benefit from this vital opportunity. We strongly urge the subcommittee to support the HUD–TCU competitive grants program at $5,435,000, and to include language that will allow a small portion of these funds to be used to provide technical assistance to TCUs, to help ensure that much needed community services and programs are expanded and continued in the communities served by the Nation's Tribal Colleges and Universities.

PRESIDENT'S FISCAL YEAR 2013 BUDGET

The President's fiscal year 2013 budget request provides no funding for the University Community Fund, which housed the TCU program and other Minority-Serving Institutions (MSI) programs. We respectfully request that the subcommittee reject the administration's recommendation and continue to recognize the abundant need for facilities construction and improvement funds for TCUs and appropriate funding for the Tribal Colleges and Universities Program, and the other MSI–HUD programs, namely: Historically Black Colleges and Universities; Hispanic Serving Institutions Assisting Communities; and Alaska Native and Native Hawaiian Serving Institutions Assisting Communities, to be allocated competitively within their individual programs.

CONCLUSION

We respectfully request that beginning in fiscal year 2013, Congress illustrate its support for the goals of the new Executive order aimed at strengthening TCUs by restoring the HUD–TCU competitive grants program and provide for technical assistance to help these vital institutions improve and expand their facilities to better serve their students and communities. Thank you for your continued support of the Nation's TCUs and for your consideration of our fiscal year 2013 HUD appropriations requests.

Prepared Statement of the American Public Transportation Association

Madam Chairwoman and members of the subcommittee, on behalf of the American Public Transportation Association (APTA), I thank you for this opportunity to submit written testimony on the fiscal year 2013 Transportation and Housing and Urban Development Appropriations bill as it relates to Federal investment in public transportation and high-speed and intercity passenger rail.

APTA's highest priority continues to be the enactment of a well-funded, multimodal surface transportation authorization bill. We recognize the challenge that the absence of an authorization bill places on the Appropriations Committee, yet we must stress the tremendous needs that persist for public transportation agencies throughout the country, and remind Congress that investment in transportation infrastructure puts Americans to work. Failure to invest will force private sector busi-

nesses in the transit industry and other industries to lay off employees and to invest overseas, while increased Federal investment addresses the need for much-needed capital investments and the growth of the industry. For the Nation's tens of millions of transit riders, any cuts will mean less service, fewer travel options, higher costs and longer commutes. Americans took 10.4 billion trips on public transportation in 2011, a 2.31 percent increase from 2010 and the second highest annual ridership total since 1957. Only ridership in 2008, when gas rose to more than $4 a gallon, surpassed last year's ridership, and today gas prices are continuing to rise.

ABOUT APTA

APTA is a nonprofit international association of 1,500 public and private member organizations, including transit systems and high-speed, intercity and commuter rail operators; planning, design, construction, and finance firms; product and service providers; academic institutions; transit associations and State departments of transportation.

OVERVIEW OF FISCAL YEAR 2013 FUNDING REQUESTS

First, let me applaud the Senate for its work on passing the Moving Ahead for Progress in the 21st Century Act (MAP–21), with strong bipartisan support. It has been more than 2 years since the expiration of SAFETEA–LU, and we are excited to see progress being made toward a new authorization law. However, in the absence of a finalized piece of legislation, APTA continues to look towards existing law, appropriations, and current budget proposals for appropriations request guidance.

It is important that steady and growing investment continue despite economic or fiscal situations, as demand and long-term planning requirements for transportation investment continue as well. In the Obama administration's fiscal year 2013 budget proposal, along with their proposed 6-year surface transportation authorization proposal, the President requests $10.8 billion for public transportation programs in fiscal year 2013 and would additionally include $50 billion for a one-time state of good repair investment program, spread across highway and transit programs. The President's proposal also requests $2.5 billion for high-speed and intercity passenger rail. APTA applauds the President's proposed public transportation budget request.

While we recognize the growing pressures that are impacting general fund budget authority allocations, APTA urges Congress to resist efforts to make further cuts to general fund components of the Federal transit program, such as Capital Investment Grants and research, as these are important elements of Federal surface transportation investment. In particular, many in the transit industry were particularly concerned about cuts in fiscal year 2012 to the Transit Cooperative Research Program (TCRP), an important program that produces basic research that is used by transit agencies nationwide to improve efficiency, safety and technical capacity.

Finally, we encourage Congress to fund the Rail Safety Technology Grants program (section 105) of the Rail Safety Improvement Act (RSIA) at a level significantly higher than the $50 million authorized annually through fiscal year 2013, to assist with the implementation of congressionally mandated positive train control systems. The Federal deadline for implementation of positive train control systems is rapidly approaching, and to date, Congress has not provided the necessary funding to support implementation of this important safety program.

THE NEED FOR FEDERAL TRANSIT INVESTMENT

In previous testimony to this subcommittee, APTA presented the case for increasing Federal investment in public transportation. The U.S. Department of Transportation estimates that a one-time investment of $78 billion is needed to bring currently operating transit infrastructure up to a state of good repair, and this does not include annual costs to maintain, expand or operate the existing system. Research on transit needs shows that capital investment from all sources—Federal, State, and local—should be doubled if we are to prepare for future ridership demands.

APTA's overall funding recommendation continues to be informed by our recommendations for surface transportation authorization and the estimated Federal funding growth required to meet at least 50 percent of the $60 billion in annual transit capital needs. These levels are intended to support a projected doubling of transit ridership over the next 20 years. It is important to stress that the demand for public transportation and the need for Federal leadership will not diminish in the months and years ahead. As gasoline prices continue to increase, Americans are turning to public transportation in record numbers, just as they did in 2008 when gas reached an average price of $4.11 per gallon. Public transportation is a vital

component of the Nation's total transportation infrastructure picture, and with ridership projected to grow, dependable public transportation systems will be vital to the transportation needs of millions of Americans. While Congress continues to consider how to proceed on a well-funded, multi-modal surface transportation bill, it remains critically important that annual appropriations bills support both current and growing needs.

FEDERAL TRANSIT ADMINISTRATION PROGRAMS

Capital Investment Grants (New Starts).—APTA was pleased to see the Senate continues to support the New Starts program in MAP–21. The New Starts program is the primary source of Federal investment in the construction or expansion of heavy rail, light rail, commuter rail, and bus rapid transit projects. The success of these major, multi-year capital projects requires predictable support by Congress and the FTA. Congress established Full Funding Grant Agreements (FFGAs) to provide this predictability. A continued commitment to Federal investment will also influence the willingness of private financial markets to finance public transportation projects and it will help ensure that the bond ratings will remain high and interest rates will remain low.

We urge the Congress to recognize the importance of long-term, predictable funding for all highway and transit programs, including New Starts. APTA believes that the New Starts program should grow at the same rate as the rest of the transit program, as it is essential to enhancing our Nation's mobility, accessibility and economic prosperity, while promoting energy conservation and environmental quality.

Formula and Bus and Bus Facilities.—APTA seeks to continue funding for existing formula programs, including urban and rural formula, small transit intensive cities (STIC), fixed guideway modernization, and others at a rate consistent with overall FTA funding growth. These formula programs address core needs of our public transportation systems, and deserve the continued support of Congress. APTA has recommended that Congress equitably balance the various needs of the Nation's diverse bus systems, including those operated by multimodal agencies. APTA has called for modifying the current Bus and Bus Facilities program to create two separate categories of funding, with 50 percent distributed under bus formula factors, and the remaining 50 percent available under a discretionary program distributed either through congressional direction or a competitive grants process.

MAP–21, the Senate authorization bill, creates a new structure for State of Good Repair grants with a new formula program (high intensity motorbus state of good repair) that focuses on systems that have a large number of bus rapid transit, express bus or other high intensity bus routes that may no longer qualify for fixed guideway formula funds. The Senate-passed version of MAP–21 also provides a new $75 million general fund bus discretionary program authorization. The new program provides another source of assistance for bus capital needs beyond the new formula funds the bill makes available, with priority consideration provided to bus-only transit agencies.

Transit Research/Transit Cooperative Research Program (TCRP).—APTA strongly urges the subcommittee to take a renewed look at the TCRP program and restore funding to previous levels. Funding for the program was cut by 35 percent in fiscal year 2012 and these cuts are having a significant impact in the production of high-quality, peer-reviewed research that assists transit agencies, their employees and even their governing boards to become more efficient and effective at delivering safe, reliable and dependable transit services. The TCRP is an applied research program that provides solutions to practical problems faced by transit operators. Over the TCRP's 20 years of existence, it has produced over 500 publications/products on a wide variety of issues of importance to the transit community. Research has produced a variety of transit vehicle and infrastructure standards and specifications, as well as a variety of handbooks addressing many relevant subject areas of interest to the transit community.

FEDERAL RAILROAD ADMINISTRATION PROGRAMS

Positive Train Control.—A high priority for APTA within the programs of the Federal Railroad Administration (FRA) is the adequate funding of Positive Train Control (PTC) through the Railroad Safety Technology Grants Program, section 105 of the Rail Safety Improvement Act (RSIA) of 2008. APTA is very discouraged that no funding was provided for PTC in fiscal year 2012. The RSIA requires that all passenger railroads implement positive train control PTC systems by December 31, 2015. The cost of implementing PTC on public commuter railroads alone is estimated to exceed well over $2 billion, not including costs associated with acquiring

the necessary radio spectrum. APTA is urging Congress to significantly increase the authorized levels for implementation of mandated PTC systems.

Our Nation's commuter railroads are committed to complying with the PTC mandate and implementing critical safety upgrades. However, both the costs associated with implementing PTC, as well as the challenges associated with a technology that is still under development, are quite substantial. Recognizing the difficulties related to implementing PTC, the House and Senate have both included extensions of the implementation deadline in their respective surface transportation authorization bills. If enacted, the proposed extensions will assist publicly funded commuter railroads in meeting the mandate. However, substantial Federal funding is also necessary. Many commuter railroads are being forced to delay critical system safety state of good repair projects in order to install PTC by 2015. Additional funding provided by Congress for the Railroad Safety Technology grants is fundamental to the industry's ability to implement PTC.

High-Speed and Intercity Passenger Rail Investment.—Ridership in the overall passenger rail market in the United States has been steadily growing, with commuter rail being one of the most frequently used methods of public transportation for those traveling from outlying suburban areas to commercial centers of metropolitan areas, often to and from places of employment, education, commerce and medical care. The demand for commuter rail service has also remained strong, with ridership on this mode increasing nationally by 2.5 percent in 2011, and six commuter rail systems seeing double digit increases in 2011. As the current political unrest in many oil producing nations continues, more and more commuters are turning to public transportation to escape rising gas prices.

In addition to commuter rail, it is critical that intercity passenger rail become a more useful transportation option for travelers looking for alternatives to high gas prices and congested road and air travel in many corridors. Thirty-two States plus the District of Columbia are forging ahead in planning and implementing passenger rail improvements. It is more important than ever for the United States to invest in its infrastructure as the efficient movement of people and goods is essential for sustained economic growth and recovery.

CONCLUSION

We thank the subcommittee for allowing us to share APTA's views on fiscal year 2013 public transportation and high-speed and intercity rail appropriations issues. APTA looks forward to working with the committee to grow the public transportation program. We urge the subcommittee to invest in making commuter, intercity and high-speed rail safer by fully appropriating the funds authorized in the RSIA and ask Congress to continue investing in a high-speed rail system. This is a critical time for our Nation to continue to invest in transit infrastructure that promotes economic growth, energy independence, and a better way of life for all Americans.

PREPARED STATEMENT OF THE COALITION OF NORTHEASTERN GOVERNORS

The Coalition of Northeastern Governors (CONEG) is pleased to share with the Subcommittee on Transportation, Housing and Urban Development, and Related Agencies its views on fiscal year 2013 appropriations for surface transportation, rail, and community development programs. The CONEG Governors deeply appreciate the subcommittee's longstanding support of funding for the Nation's highway, transit, transportation safety, and rail programs. Federal support is vital to maintain the Nation's transportation system, enhance its capacity to meet diverse and enormous needs, and contribute to a balanced, integrated national transportation system that supports the Nation's current and future economic growth. As the Nation's population grows and the economy recovers, these needs confront all of us—Federal, State and local governments and the private sector.

We recognize that the subcommittee, in crafting the fiscal year 2013 appropriations measure, faces a very difficult set of choices in this environment of severe fiscal constraints. The current economic situation exacerbates the shortfall in the Highway Trust Fund (HTF), even as it has contributed to one of the highest demands for public transportation in more than 50 years. The national debate on the scope and scale of the surface transportation authorization and funding has advanced significantly, but has not yet resulted in a new authorization framework, including the potential for new approaches to fund, restructure and finance highway and transit programs. In spite of these challenges, we urge the subcommittee to continue a strong Federal/State partnership so vital for a national, integrated, multimodal transportation system. This system underpins the competitiveness of the Na-

tion's economy; broadens employment opportunities; and contributes to the efficient, safe, environmentally sound, and energy-efficient movement of people and goods.

SURFACE TRANSPORTATION

As the surface transportation authorization moves to completion, the CONEG Governors urge the subcommittee to fund the highway obligation ceiling at the $42 billion level, adequately fund safety and innovative financing programs, and maintain at least the fiscal year 2012 levels for public transit programs. This level of Federal investment is the minimum needed to slow the decline in infrastructure conditions and maintain the safety of the Nation's highways, bridges, and transit systems.

Continued and substantial Federal investment in these infrastructure improvements—in urban, suburban, exurban, and rural areas—is necessary to safely and efficiently move people and products and to support the substantial growth in freight movement projected in the coming decades. The Federal Government has invested significant resources in the Nation's transportation systems, and it has a continuing responsibility to maintain and enhance the capacity of the Nation's transportation infrastructure to keep America competitive in a global economy.

Specifically, the CONEG Governors urge the subcommittee to:

—Fund the highway obligation ceiling at the $42 billion level;

—Maintain public transit funding at no less than the fiscal year 2012 appropriated levels, with full funding for the current transit formula and capital investment and preserving the historic funding balance between these programs;

—Ensure that Federal transit funds are released to States and designated recipients in a timely manner; and

—Expand the use of innovative financing and public-private partnerships to supplement direct Federal funding, including Federal loan guarantees and credit assistance, such as the Transportation Infrastructure Finance and Innovation Act program (TIFIA).

RAIL

The Governors deeply appreciate the subcommittee's past support for intercity passenger rail, and we urge that it again provides funding in fiscal year 2013 that will allow efficient intercity passenger rail corridors to be developed as part of a national, multi-modal transportation system. In the Northeast, continued, adequate Federal investment is critical to bring the current system to a state of good repair; help expand its capacity to meet the growing ridership; provide improved service to communities; attract State, local and private sector investments in the Nation's intercity passenger rail system; and develop a coordinated, comprehensive vision and plans for future services. These investments are essential for the accessible, reliable, frequent and on-time service that attracts and retains ridership and grows revenues.

The Northeast has one of the oldest and most extensive multi-modal transportation systems in the world. This system faces major congestion and capacity constraints which, if not addressed, have the potential to curtail future commerce and mobility in a region that is densely populated and serves as an economic engine for the Nation. To begin to address these capacity constraints, the northeast States have invested significantly in the passenger rail corridors of the region—the Northeast Corridor (NEC), the Empire Corridor, the Northern New England Corridor, and the Keystone Corridor. They have leveraged Federal funds appropriated for intercity passenger rail projects eligible under the framework created by the Passenger Rail Investment and Improvement Act (PRIIA). The intense efforts of the States, Amtrak and freight railroads in recent years are now showing results in the Nation's busiest rail corridor. However, continued significant investments in this corridor network are needed to meet the growing intercity passenger travel market. The joint planning and funding efforts over the past 3 years are part of an on-going coordinated effort to reduce travel times, increase speed, improve service reliability and on-time performance, eliminate choke points, improve stations, replace aging bridges and electrical systems, install track and ties, replace catenary wires, and purchase new locomotives. Among the current projects that are employing thousands of workers using American-made supplies are the following:

—High speed rail improvements between New York City and Trenton, New Jersey are boosting capacity, reliability, and speed on a 22-mile segment of track capable of supporting train speeds up to 160 miles-per-hour.

—The Harold Interlocking improvement will alleviate delays for trains coming in and out of Manhattan by providing new routes that allow Amtrak trains to bypass the busiest passenger rail junction in the Nation.

—Installation of high-speed third track near Wilmington, Delaware will allow for increased speeds.
—Track improvements in Kingston, Rhode Island will add an additional 1.5 miles of third track and improve capacity.
—Access improvements for passengers using Union Station in Washington, DC will improve passenger travel.

Amtrak.—The Amtrak fiscal year 2013 budget request contains specific funding levels provided for operations, capital and debt service. These funding levels will enable Amtrak to continue a balanced program of adequate, sustained capital investment in infrastructure and fleet modernization programs that are vital for an efficient intercity passenger rail system that can meet the rising demand for reliable, safe, quality services.

The Amtrak capital request encompasses urgently needed investments in infrastructure, more cost-efficient equipment replacement, and safety and security improvements in the NEC and corridors across the Nation. Timely action on a systematic plan to replace aging equipment used throughout the system can help modernize the current Amtrak fleet, offer the prospect of more efficient procurement by Amtrak and by States, and help stimulate the growth of the domestic rail manufacturing sector.

We also strongly urge the subcommittee to provide Amtrak the requested $60 million for the Gateway and other integrated infrastructure and equipment projects that will allow improved intercity service on the NEC—the backbone of a passenger rail network that connects the entire Northeast and extends rail service to communities in the South, West, and Canada. These projects are initial steps required to address the backlog of deferred investments, and to make investments in near-term improvements in track, bridges, tunnels and equipment that will increase the capacity of the NEC to offer more reliable and frequent intercity service that can deliver more riders to their destination in less travel time. Improvements on the NEC can also help address the congested highway corridors and crowded northeast airports that are a major source of airport travel delays nationwide.

Intercity Passenger Rail Corridors.—To advance the initial investments made by the Federal Government and the States, the Governors urge the subcommittee in fiscal year 2013 to fund the competitive Intercity Passenger Rail Corridor Capital Assistance Program, and to provide provisions that fund the planning activities for the development of passenger rail corridors, including multi-state corridors. The multi-state planning funds are the source of the monies that support the initial work being led by the Federal Railroad Administration (FRA) to develop an updated service development plan and environmental analysis that reflect the current and projected demand for passenger rail service on the NEC. A funding level of $22 million is needed in fiscal year 2013 for these analyses which are required for any future major improvements for high speed intercity passenger rail service on the NEC.

Since these corridors serve diverse travel markets, we urge that these grant funds be available to States to advance plans for reliable, travel-time competitive service, regardless of maximum speed requirements. In light of the stringent FRA requirements for intercity passenger rail grants, we also request the subcommittee to waive the current statutory requirement that projects be part of an approved State rail plan, since this requirement might curtail thoughtful and well advanced efforts already underway by the States.

Northeast Corridor Infrastructure and Operations Advisory Commission.—The Governors thank the subcommittee for providing funding for the Northeast Corridor Infrastructure and Operations Advisory Commission (Commission). Consistent with its responsibilities defined under PRIIA, the Commission is working actively to facilitate mutual cooperation and planning among the States, Amtrak, freight railroads, and the FRA for intercity, commuter and freight use of the Corridor—and to also maximize the economic growth and the energy and environmental benefits of the larger regional NEC Network.

The Commission has extensive responsibilities to set corridor-wide policy goals and recommendations that encompass passenger rail mobility, intermodal connections to highways and airports, energy consumption, air quality improvements, and local and regional economic development of the entire northeast region. It is also tasked to develop a standardized formula to determine and allocate the costs, revenues and contributions among NEC commuter railroads and Amtrak that use each other's facilities and services. The Commission's work will also guide the vision and service development plans that are a pre-requisite to fund projects that can improve the capacity of the NEC. To conduct the assessments required by Congress in a timely manner, the Commission needs resources, data and expert analysis that exceed that which is currently available through the staff of the States, Amtrak and

FRA. Continued funding in fiscal year 2013 will ensure the Commission's ability to secure all essential resources for conducting these assessments.

Other Programs.—A number of other national rail and intermodal programs are important components of the evolving Federal-State-private sector partnerships to enhance passenger and freight rail across the country.

The Railroad Rehabilitation and Improvement Financing Program (RRIF) can be an important tool for railroads (particularly regional and short-line railroads) and public agencies to access the financing needed for critical infrastructure and intermodal projects. We also encourage the subcommittee to provide funding for the Rail Line Relocation program, the Next Generation Corridor Train Equipment Pool, and critical rail safety programs.

We support the continuation of the Transportation Investment Generating Economic Recovery, or TIGER Discretionary Grant program, at $500 million to encourage investment in multi-modal, multi-jurisdictional or other road, rail, transit and port projects that help achieve critical national objectives.

Adequate funding is needed for the Surface Transportation Board to carry out its expanded responsibilities for intercity passenger rail corridor service, including its specific responsibilities under PRIIA regarding equitable cost-sharing formulas among States, Amtrak and commuter railroads.

COMMUNITY DEVELOPMENT BLOCK GRANT

The CONEG Governors urge the subcommittee to provide funding for the Community Development Block Grant (CDBG) program at least at the fiscal year 2012 level of $2.95 billion. By enabling States to invest in improved local infrastructure, rehabilitated affordable housing, and local economic development and jobs, the CDBG program provides needed assistance to redevelop and improve neighborhoods and communities nationwide.

CONCLUSION

In conclusion, the CONEG Governors urge the subcommittee to:

—Fund the highway obligation ceiling at the $42 billion level and an expanded TIFIA program;

—Maintain Federal public transit funding at no less than the fiscal year 2012 appropriated levels, with full funding for the transit formula and capital investment programs, and preserving the historic funding balance between these programs;

—Fund Amtrak at levels that will support sound operations and a balanced capital investment program, including the NEC capacity improvements;

—Maintain provisions to fund the Northeast Corridor Infrastructure and Operations Advisory Commission;

—Provide funding for the Intercity Passenger Rail Service Corridor Assistance Program for corridor planning and capital investment, including provisions for multi-state corridor planning;

—Provide funding for such national rail programs as the Next Generation Corridor Train Equipment Pool, the Rail Line Relocation program and the RRIF program;

—Provide $500 million for the TIGER program;

—Provide adequate funding for the Surface Transportation Board; and

—Maintain funding for the Community Development Block Grant at the $2.95 billion level.

The CONEG Governors thank the entire subcommittee for the opportunity to share these priorities and appreciate your consideration of these requests.

Prepared Statement of the Institute of Makers of Explosives

INTEREST OF THE INSTITUTE OF MAKERS OF EXPLOSIVES

The Institute of Makers of Explosives (IME) is the safety and security association of the commercial explosives industry. Commercial explosives underpin the economy. They are essential to energy production, construction, demolition, and the manufacture of any metal/mineral product. Explosives are transported and used in every State. Additionally, our products are distributed worldwide, while some explosives must be imported because they are not manufactured in the United States. The ability to transport and distribute these products safely and securely is critical to this industry.

BACKGROUND

The production and distribution of hazardous materials is a trillion-dollar industry that employs millions of Americans. While these materials contribute to America's quality of life, unless handled properly, personal injury or death, property damage, and environmental consequences can result. The threat of intentional misuse of these materials also factors into public concern. To protect against these outcomes, the Secretary of Transportation (Secretary) is charged under the Hazardous Materials Transportation Act (HMTA) to "provide adequate protection against the risks to life and property inherent in the transportation of hazardous materials in commerce by improving" regulation and enforcement.[1] The Secretary has delegated the HMTA authorities to various modal administrations, with primary regulatory authority resting in the Pipeline and Hazardous Materials Safety Administration (PHMSA).

PHMSA regulates hazardous material (hazmat) transportation so closely that it may not be moved any distance, via any mode of transportation unless a Department of Transportation (DOT) regulation, permit or approval authorizes the movement of a material. This blanket prohibition against transportation unless there is a specific DOT authorization for that transportation makes efficient consideration of such authorizations critical to the industries involved and the millions of workers they employ, as well as to the national defense, the security of our homeland, and the economy at large. Accordingly, how PHMSA performs its regulatory function has a significant impact on our industry.

SIGNIFICANCE OF PHMSA'S SPECIAL PERMITS AND APPROVALS PROGRAM TO THE COMMERCIAL EXPLOSIVES INDUSTRY

The permits (designated "special permits") and approvals that PHMSA issues require applicants to establish that the function to be performed provides an equivalent or a greater level of safety than would be achieved by conforming to the agency's rules. They are not authorizations that allow someone to do something unsafe that otherwise would be prohibited under the rules. In both instances, the authorizations are issued to specifically identified individuals, in response to detailed applications (that are incorporated by reference in the authorizations), under criteria that are defined by or at least as stringent as the applicable regulations. These conditions can be changed by PHMSA at will, with limited rights for affected parties to petition for redress.

The process of applying for and maintaining such authorizations involves more paperwork and accountability than is required to petition for rule changes. Moreover, holders of these special authorizations face the constant risk of having them revoked, suspended, or modified. All special permits and many approvals also have expiration dates, requiring timely filing of applications for renewal. All require reporting of the holder's experience with the authorization so that PHMSA can properly evaluate the appropriateness of the authorization. The biggest difference between a special permit and an approval is that a special permit is an alternative means to comply with the regulations in domestic commerce, while an approval may apply to domestic or international transportation and can only be issued if there is a specific reference to the activity authorized by the approval in PHMSA's regulations.

Currently, there are thousands of special permits and approvals within the PHMSA program; many have been renewed without change for decades. Entire industries now find themselves regulated through special permits and approvals. The commercial explosives industry is a case in point. Billions of pounds of bulk explosive precursors and blasting agents are transported annually in the United States in vehicles operating under special permit. Without these permits, the industry would collapse. Likewise, the commercial explosives industry is uniquely dependent on PHMSA's approval authority. Manufacturers of commercial explosives, as opposed to other classes of hazardous materials, may not self-classify these products. The Hazardous Materials Regulations (HMR) require that new explosives be classified by PHMSA before they are offered for transport. These explosives classification approvals are the largest type of approval issued by the agency. Prior to approval, the HMR require that explosives be examined and tested by a laboratory approved by PHMSA. The testing criteria are based on standards recognized worldwide, and typically cost tens of thousands of dollars per application. The expense of this rigorous testing, both in terms of product sacrificed as well as the costs of the tests, is borne by the applicant.

[1] 49 U.S.C. Chapter 51.

Congress never intended special permits or approvals to be a long-term solution for the transportation innovations they authorize. The expectation is that proven special permits and approvals that have future, long-term use would be incorporated into the HMR. According to DOT, no deaths have been attributed to packages shipped under special permits or approvals for decades.[2] PHMSA's failure to incorporate proven special permits into its regulations now exposes many industries to the current whims of agency action.

PHMSA'S FISCAL YEAR 2013 BUDGET INCREASE REQUEST AND USER TAX ARE UNJUSTIFIED

As noted above, the HMTA requires that PHMSA's regulations be risk-based. The agency, in turn, measures the success of its hazmat safety program by the number of transportation-related deaths and "serious injuries" (i.e., hospitalizations) are attributed to the hazardous materials.[3] The agency acknowledges that these numbers "have declined an average of 4 percent every 3 years over the long term."[4] Last year, 11 deaths, all due to human error, not a failure of a regulatory standard, were attributed to hazardous materials. None, since the early 1970s, have been attributed to commercial explosives. This contrasts with thousands of deaths annually that result from crashes involving large trucks, for example. Despite these compelling statistics and the current budget climate, PHMSA requests a 19.7-percent increase over fiscal year 2012 and 22 new positions, a 12.6-percent increase in full-time positions (FTP), for the hazmat program. Completely unjustified is PHMSA's proposal to devote 24 percent of the agency's budget to the processing of applications for special permits and approvals where there is no record of death.

While investigations into the Special Permits and Approvals program in the last Congress revealed that PHMSA had misplaced many documents from applications, none were attributed to a death or serious injury. Instead of asking holders of these authorities to provide the missing documents, PHMSA proceeded without notice and comment to restructure the program from one that took weeks to process applications to one that takes months, with double or triple the paperwork, and to establish a complex tiered system of applications reviews, including costly site visits, based on unpublished and unknown standards. In short, the agency created a paperwork empire, with no commensurate safety benefit. The cost and delay that have resulted from the agency's unfettered administrative actions are impediments to U.S. businesses dependent on these authorizations in the global race to market.

To finance this new special permit and approval processing hierarchy, PHMSA requested, as it did in fiscal year 2012, user fees of between $700 and $3,000 per application. PHMSA estimates that the fees will generate $12 million. This user "tax" is without merit:

—The user fee revenue would be used to underwrite the agency's general fund, although only a fraction of the regulated community are holders of special permits and approvals.
—No death has been attributed to special permits or approvals since 1971 when agency records began to be kept.
—The Federal Government, not private companies, is the largest holder of approvals and special permits. The Government will pay no fees.
—Historically, fees have not been imposed on foreign entities for fear of retaliatory fees on U.S. exports giving foreign shippers a competitive advantage in the United States.
—PHMSA states that it needs funds to implement its Special Permits and Approvals Action Plan. However, PHMSA and the DOT/Office of Inspector General have said that the action plan implementation is complete.
—Nowhere in the budget request does PHMSA reveal its special permit and approval workload. Yet, the agency has reported to industry that there is no longer a backlog of applications, suggesting that the agency is managing with current resources.
—PHMSA estimates it processes 25,000 applications per year. At 25,000 applications per year, the cost per application should be no more than $533. Using the $700–$3,000 fee range, PHMSA will generate between $17.5 million and $75 million in new revenue; nearly 1.5 to over 6 times the $12 million the agency estimates it will need.

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[2] PHMSA claims that a maritime incident in 2008 which resulted in three deaths was caused by the violation of a special permit. However, the deaths were not the proximate result of a special permit violation. Testimony in the resultant litigation showed the deaths were due to negligence of a number of parties involved in the shipment.

[3] DOT 2011 Annual Performance Report, February 2012, page 9.

[4] Fiscal Year 2013 PHMSA Budget Justification, page 3.

—Additional Federal workers will have to be hired to administer and collect the fee.
—It is the business activity, not the size, of a company that determines how many applications may be filed. Many payers will be small businesses.
—With the fee, there would be no incentive for PHMSA to incorporate proven special permits into the Hazardous Materials Regulations.
—The fee would be payable per application, creating an incentive for PHMSA to deny or reject applications on trivial pretexts thus generating new fees.
—Other DOT modal administrations issue approvals or what amount to special permits; none assess fees.
—This program, which provides safety benefits to the public, has been successfully run for decades without user fees. PHMSA's proposal could be the start of a trend for user fees for other regulatory actions including letters of interpretations or petitions for rulemaking necessary for compliance and good government.

PHMSA claims that the House Transportation and Infrastructure Committee mandated the programmatic changes necessitating the fees. However, there is no such statutory requirement, and neither has Congress provided PHMSA authority for this user fee. This user fee is really a hidden tax on companies that innovate and produce goods needed strengthen and rebuild the U.S. economy. The user fee initiative should be rejected.

Rather than be party to the agency's costly empire building scheme, including six new FTP this year, the subcommittee should be asking what the agency is doing to "streamline" the application process; why "increasingly stringent monitoring" of permit and approval holders is necessary given the safety record of these entities; how the agency hopes to "accelerat[e] incorporation of special permit[s] into the HMR" when no new resources above baseline were requested to support rulemaking activity; and why the agency is devoting scarce staff resources to second-guess the results of government-established tests performed at government-approved laboratories for explosives classification approvals.[5]

OTHER BUDGETARY ISSUES TO CONSIDER

Staffing and Workload.—PHMSA's budget request provides no baseline empirical workload metrics to judge PHMSA's performance or the merit of the budget request. For example, the request is silent on the causes or rates of special permit or approval denials and resubmissions, which would drive workload and user fee receipts. The information, when provided, is prospective, not retrospective. The agency's budget increase is driven by requests for new FTP. These staffing enhancements are mis-allocated. The subcommittee should deny these requests:

—*Field Operations (FO)*.—The number of FO positions has nearly doubled since 2003 to 63 FTP, with a FTP increase of 16 in fiscal year 2010. This year, PHMSA is requesting another 12 FTP, with no more justification than that the agency has only been able to inspect "2 percent of facilities under their jurisdiction." However, a 2-percent inspection rate may be appropriate given the "minimal rate of non-compliance" within the regulated community.[6] At the same time, PHMSA provides no retrospective information on the actual number of inspection/investigation reports have been filed and how the inspections are categorized.
—*Radioactive Materials*.—PHMSA requests two additional FTP to address emergency threats from radioactive materials. However, quantities of high level radioactive waste or spent nuclear fuel are not moving from nuclear power plants in the absence of a permanent repository. Likewise, PHMSA's concern about cargo containers arriving in U.S. ports with surface radioactive contamination is a Customs and Border Protection concern. This request is without merit.

Grants Programs (GPs).—PHMSA operates three GPs funded by fees assessed on the hazardous materials community. We have long looked for evidence of program accomplishment and question the agency's claims about achievements ascribed to these programs. In 2005, Congress directed the agency to annually provide a detailed accounting of all grant expenditures.[7] In the intervening 7 years, the agency has released only one such report, and that report did not provide the retrospective accounting necessary to determine if grant recipients were using funds appropriately.[8] This year, an audit of the GPs by the Office of Inspector General found

[5] Fiscal Year 2013 PHMSA Budget Justification, pages 68 and 100.
[6] Fiscal Year 2013 PHMSA Budget Justification, page 67.
[7] 49 U.S.C. 5116(k).
[8] http://phmsa.dot.gov/staticfiles/PHMSA/DownloadableFiles/Files /Report__to__Congress__HMEP__Grants__Program 2005__2006.pdf.

systemic mismanagement and misuse of grant funds.[9] PHMSA's request increases the fees allocated to administer the GPs from 2 percent to 4 percent although such fees are limited to 2 percent by statute.[10] These programs warrant increased oversight by the subcommittee.

CONCLUSION

The transport of hazardous materials is a multi-billion dollar industry that employs millions of Americans. This commerce has been accomplished with a remarkable degree of safety. PHMSA has silenced the voice of the regulated community by refusing to submit its special permit and approval "standard operating procedures" and "fitness criteria" to notice and comment rulemaking. The subcommittee needs to make difficult decisions about where to save scarce Federal resources. Cutting the self-contrived administrative bloat from PHMSA's hazmat safety program would be a place to start. In addition to rejecting the proposed user fee, we strongly recommend that the subcommittee deny new staffing requests as explained, but redirect any new resources to enhance PHMSA's information technology and rulemaking capacities.

PREPARED STATEMENT OF THE INSTITUTE OF MAKERS OF EXPLOSIVES

INTEREST OF THE INSTITUTE OF MAKERS OF EXPLOSIVES

The Institute of Makers of Explosives (IME) is the safety and security association of the commercial explosives industry. Commercial explosives underpin the economy. They are essential to energy production, construction, demolition, and the manufacture of any metal/mineral product. Explosives are transported and used in every State. The ability to transport and distribute these products safely and securely is critical to this industry. At some point, virtually all explosives are transported by truck. Among these explosives are products classed as Division 1.1, 1.2, and 1.3 materials, which with other select hazardous materials, may only be transported by motor carriers holding a "hazardous materials safety permit" (HMSP) issued by the Federal Motor Carrier Safety Administration (FMCSA). According to program data, carriers of explosives make up the largest segment, roughly half, of the universe of HMSP holders.

Our industry has maintained an exceptional safety record for decades. According to the Hazardous Materials Information System (HMIS), no deaths have been attributed to commercial explosives since the Department of Transportation began collecting data in the 1970s. Despite the safety record of our industry, we have members who struggle when it comes maintaining their HMSP qualification.

IMPLEMENTATION ISSUES

We will be the first to admit that we failed to appreciate the full impact of the disqualifying out-of-service (OOS) thresholds when FMCSA finalized the HMSP rule in 2004. First, the preamble and the regulatory text set forth in the 2003 proposal, as well as the preamble to the HMSP final rule, describes the agency's intent to issue HMSPs to motor carriers with a "satisfactory" safety rating.[1] Those without a satisfactory safety rating would be eligible for a temporary HMSP if they have "a crash rate in the top 30 percent of the national average, or a driver, vehicle, hazardous materials, or total [OOS] rate in the top 30 percent of the national average." (Emphasis added.) Second, the "or total" OOS rate suggested that the 30 percent national average disqualification would, in the aggregate, disqualify only 30 percent of carriers. As FMCSA has implemented this program, however, these were not the standards that a carrier could rely on to obtain a permit. Instead, no HMSP may be issued to a carrier who performs in the top 30 percent of each OOS category.

Since the HMSP program's inception in 2005, we have urged FMCSA, in meetings, letters, and petitions, to relook at this program and make needed reforms. Over these 7 years, the HMSP program has been plagued by administrative missteps including double counting OOS inspections and thousands of erroneous denials of applications. Questions remain unanswered about the statistical basis used by FMCSA to calculate the program's most critical criterion, the hazardous material (hazmat) OOS rate. We have documented the inherent unfairness of a system that relies on OOS rates. Roadside inspections are not random (nor should they be given limited resources), nor are they without the bias of personal judgment. Further, the

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[9] OIG, DOT, AV–2012–040, January 12, 2012.
[10] 49 U.S.C. 5116(i)(4).
[1] 68 FR 49737, 49752 and 49753 (August 19, 2003); 69 FR 39367, 39352 (June 30, 2004).

methodology used to determine "significance" of the inspection data lacks statistical confidence. Even if a carrier survives this flawed qualification process, it provides no assurance that the same level of performance will enable the carrier to retain its HMSP as carriers are subject to a relative, not absolute, standard of "safety." Please know that we do not object to a HMSP; we do object to the bias and uncertainty that this program breeds, especially when the program has shown no nexus to safety enhancement.

SAFETY BENEFITS OF THE HMSP UNPROVEN

FMCSA estimated that implementing the HMSP program would prevent seven hazmat truck-related crashes per year. The agency stated that the safety benefits derived from the projected crash reductions would be "large because of the number of conventional crashes that may be prevented." This has not proved to be the case. The experience after the nearly 6 years of the HMSP and during the 6 years immediately preceding the implementation of the HMSP shows that: [2]

[2] Data from the Hazardous Materials Information System (HMIS), 12/13/2011.

HMSP material	1999–2004		2005–2010		All hazmat highway incidents			
					1999–2004		2005–2010	
	Crashes	Fatalities	Crashes	Fatalities	Crashes	Fatalities	Crashes	Fatalities
Explosives (1.1, 1.2, 1.3)	9	[2]	13	[2]	....	....	....	....
RAM (HRCQ [1])	4	....	1	....	....	....	....	....
TIH	43	....	46	....	....	....	....	....
Methane	1	....	....	....	....	....	....	....
Total	57	....	60	....	1,909	62	2,190	60

[1] It may be that none of these crashes are HRCQ. From the data in HMIS, it was possible to eliminate some incidents that were clearly not HRCQ. Where there was doubt the incident was counted.

[2] The HMIS includes records of two off-highway, non-crash incidents that resulted in fatalities involving materials covered by the HMSP. Both incidents involve fireworks stored on trucks, and both incidents occurred after delivery. Consequently, the American Pyrotechnics Association disputes whether these incidents are transportation-related. In 2003, four workers were killed after the local government asked that a show for another location be removed from the site. In 2009, five workers were killed while setting up a show using a truck as a workroom for assembling the display.

For HMSP holders, this record highlights the need for an immediate reconsideration of the disqualifying standards that are threatening their livelihoods. Keep in mind that the vast majority of carriers subject to the HMSP are not long-haul, freight-all-kinds carriers. They serve niche markets that rely on local, often rural delivery, and require specialized equipment. As such, these carriers do not frequent routes with inspection stations. Once these carriers get into trouble based on the non-random, often subjective OOS calls by inspectors, it is virtually impossible for these carriers to accrue sufficient "good" inspections to overcome the "bad." For example, it is not uncommon for a carrier to have less than 15 inspections in the 12 months prior to the expiration of the carrier's HMSP. If two of those inspections result in an OOS[3], it would take 56 "clean" inspections to requalify the carriers. And, the later into the 12-month qualification period the second OOS occurs, the more unlikely it is that a carrier could recover. These carriers do not have the option to carry non-HMSP freight while working to requalify for a permit. The irony is that, when these carriers get into jeopardy, FMCSA does not routinely suspend or revoke the HMSP; rather the carrier is allowed to operate until it is time to apply for renewal. The regulations allow for appeals when permits are suspended or revoked, but not if the carrier is applying for renewal.

REQUEST FOR EXPEDITED RELIEF

Last year, FMCSA accepted a petition for rulemaking from IME and other affected industry associations filed to reform the HMSP disqualification standards. While we are pleased that FMCSA has accepted our petition, we are disappointed that "the agency has determined that this rulemaking *should not be initiated* until the CSA Safety Fitness Determination (SFD) final rule is published, as it will be used as the basis for initiating this rule."[4] (Emphasis added.) We would like to strongly suggest that the HMSP rulemaking should take precedence over the SFD rulemaking. First, the HMSP program is being used now as the SFD standard for covered materials. Covered carriers that do not meet the contested HMSP standards may be shutdown. Non-HMSP carriers do not yet face this outcome. Second, the problematic HMSP disqualification standards are based on inspections and OOS determinations. These same metrics are expected to be the basis of the standards to be proposed in the SFD rulemaking. Third, the HMSP regulated community is very small relative to the universe of carriers that will be subject to the SFD. We believe FMCSA should immediately act to fix the HMSP disqualification standards and export that refined SDF model to the larger commercial trucking universe under CSA.

The agency's reluctance to immediately address the shortcomings of the HMSP is particularly troubling because implicit in FMCSA's plan to address by rulemaking many of the issues raised by industry is an acknowledgment of deficiencies with the current program. These deficiencies will persist over the intervening years between now and the time that they are resolved through the rulemaking process. The adverse impacts to the regulated community are undeserved.

Given these facts, we are concerned that neither legislation nor regulation will move fast enough to prevent relatively good carriers from losing their HMSP and, as explained, being put out of business based on limited data anomalies. We have asked FMCSA to immediately address these pressing concerns by issuing an interim final rule (IFR) to at least provide for an additional level of fitness review prior to the denial, revocation, or suspension of a safety permit until such time that the agency proceeds with the full rulemaking based on our petition. The additional level of administrative fitness review would consider the safety management controls of the applicant or holder not just OOS violations rates, and it would provide the applicant or holder an opportunity to file a corrective action plan to address identified concerns.[5]

We have not heard from FMCSA whether the agency would be willing to pursue the IFR option we have described. At the same time, it is concerning to us that nowhere in FMCSA's fiscal year 2013 budget estimate does it reference, let alone discuss, the issues described.[6] Justice will not be served by inattention to these press-

[3] This assumes that the OOS citation was corrected issued. CSA experience shows that FMCSA's "Data Q" process is overwhelmed and State ability and/or willingness to expend resources on these challenges is a growing concern.

[4] Letter to IME from FMCSA, November 14, 2011, page 1.

[5] This opportunity should not be available to applicants or holders that present an imminent hazard or evidence of a pattern of willful and knowing non-compliance with safety regulations.

[6] The HMSP is mentioned once in the Department of Transportation Annual Performance Report, Fiscal Year 2011, page 22, "FMCSA will continue to seek to implement programs and regulations that 'raise the bar' to entry into the motor carrier industry, including. . . expanding enforcement of and compliance with the [HMSP] requirements. . . ."

ing concerns. The uncertainty of when FMCSA will be able to carry out the HMSP rulemaking coupled with the urgency to take some action based on acknowledged program deficiencies compel us to ask the subcommittee to deny funds to administer this program until FMCSA provides interim measures to ensure that HMSP holders are not denied permits based solely on the flawed disqualification standards in place now.

CONCLUSION

Neither IME nor its members object to the need for a HMSP. We do object to the current standards for disqualification. They are not risk-based. Inspection frequency and outcome do not seem to correlate to crashes or fatalities. Thank you for your attention to these concerns.

PREPARED STATEMENT OF THE NATIONAL AMERICAN INDIAN HOUSING COUNCIL

Chairwoman Murray, Vice Chairwoman Collins and members of the subcommittee. I am submitting this statement regarding the President's budget request (PBR) for fiscal year 2013 on behalf of the National American Indian Housing Council (NAIHC). My name is Cheryl A. Causley and I am the chairwoman of the National American Indian Housing Council (NAIHC), the only national tribal nonprofit organization dedicated to advancing housing, physical infrastructure, and economic and community development in tribal communities throughout the United States. I am also an enrolled member of the Bay Mills Indian Community in Brimley, Michigan, and the Executive Director of the Bay Mills Indian Housing Authority. I want to thank the subcommittee for the opportunity to submit written testimony for the subcommittee's consideration as it reviews the PBR.

BACKGROUND ON THE NATIONAL AMERICAN INDIAN HOUSING COUNCIL

The NAIHC was founded in 1974 and has, for 38 years, served its members by providing invaluable training and technical assistance (T/TA) to all tribes and tribal housing entities; providing information to Congress regarding the issues and challenges that tribes face in terms of housing, infrastructure, and community and economic development; and working with key Federal agencies to address these important and, at times, vexing issues, and to help meet the challenges. The membership of NAIHC is expansive, comprised of 271 members representing 463[1] tribes and tribal housing organizations. The primary goal of NAIHC is to support Native housing entities in their efforts to provide safe, decent, affordable, culturally appropriate housing for Native people.

BRIEF SUMMARY OF THE PROBLEMS REGARDING HOUSING IN INDIAN COUNTRY

While the country has been experiencing an economic downturn that many have described as the worst global recession since World War II, this economic reality is greatly magnified in Indian communities. The national unemployment rate seems to have peaked at an alarming rate of nearly 10 percent; however, that rate does not compare to the unemployment rates in Indian Country, which average 49 percent.[2] The highest unemployment rates are on the Plains reservations, where the average rate is 77 percent.[3]

Because of the remote locations of many reservations, there is a lack of basic infrastructure and economic development opportunities are difficult to identify and pursue. As a result, the poverty rate in Indian country is exceedingly high at 25.3 percent, nearly three times the national average.[4] These employment and economic development challenges exacerbate the housing situation in Indian Country. Our first Americans face some of the worst housing and living conditions in the country,

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[1] There are approximately 566 federally recognized Indian tribes and Alaska Native villages in the United States, all of whom are eligible for membership in NAIHC. Other NAIHC members include State-recognized tribes that were deemed eligible for housing assistance under the 1937 Housing Act and grandfathered in to the Native American Housing Assistance and Self-Determination Act of 1996.

[2] Bureau of Indian Affairs Labor Force Report (2005).

[3] Many of these reservations are in the State of South Dakota, which has one of the lowest unemployment rates in the Nation. On some South Dakota reservations, the unemployment rate exceeds 80 percent.

[4] U.S. Census Bureau, American Indian and Alaska Native Heritage Month: November 2011. See http://www.census.gov.

and the availability of affordable, adequate, safe housing in Indian Country falls far below that of the general U.S. population.

—According to the 2000 U.S. Census, nearly 12 percent of Native American households lack plumbing compared to 1.2 percent of the general U.S. population.
—According to 2002 statistics, 90,000 Indian families were homeless or underhoused.
—On tribal lands, 28 percent of Indian households were found to be over-crowded or to lack adequate plumbing and kitchen facilities. The national average is 5.4 percent when structures that lack heating and electrical equipment are included. Roughly 40 percent of reservation housing is considered inadequate, compared to 5.9 percent of national households.
—Seventy percent of the existing housing stock in Indian Country is in need of upgrades and repairs, many of them extensive.
—Less than half of all reservation homes are connected to a sewer system.

There is already a consensus among many members of Congress, Department of Housing and Urban Development (HUD), tribal leaders, and tribal organizations that there is a severe housing shortage in tribal communities; that many homes are, as a result, overcrowded; that many of the existing homes are in need of repairs, some of them substantial; that many homes lack basic amenities that many of us take for granted, such as full kitchens and plumbing; and that at least 250,000 new housing units are needed in Indian Country.

These issues are further complicated by the status of Indian lands, which are held in trust or restricted-fee status. As a result, private financial institutions will generally not recognize tribal homes as collateral to make improvements or for individuals to finance new homes. Private investment in the real estate market in Indian Country is virtually non-existent, with tribes almost entirely dependent on the Federal Government for financial assistance to meet their growing housing needs. The provision of such assistance is consistent with the Federal Government's well established trust responsibility to American Indian tribes and Alaska Native villages.

THE NATIVE AMERICAN HOUSING ASSISTANCE AND SELF-DETERMINATION ACT

In 1996, Congress passed the Native American Housing Assistance and Self-Determination Act (NAHASDA) to provide Federal statutory authority to address the above-mentioned housing disparities in Indian Country. NAHASDA is the cornerstone for providing housing assistance to low income Native American families on Indian reservations, in Alaska Native villages, and on Native Hawaiian Home Lands.

The Indian Housing Block Grant (IHBG) is the funding component of NAHASDA, and since the passage of NAHASDA in 1996 and its first fiscal year of funding in 1998, NAHASDA has been the single largest source of funding for Native housing. Administered by the Department of Housing and Urban Development, NAHASDA specifies which activities are eligible for funding.[5] Not only do IHBG funds support new housing development, acquisition, rehabilitation, and other housing services that are critical for tribal communities; they cover essential planning and operating expenses for tribal housing entities. Between 2006 and 2010, a significant portion of IHBG funds, approximately 24 percent, were used for planning, administration, and housing management and services.

AMERICAN RECOVERY AND REINVESTMENT ACT AND FISCAL YEAR 2010 INDIAN HOUSING FUNDS

NAIHC would like to thank Congress for its important work to increase the much-needed investment in Indian housing during the past several years. In fiscal year 2010 the American Recovery and Reinvestment ACT (ARRA) of 2009 provided over $500 million for the IHBG program. This additional investment in Indian Country supported hundreds of jobs, permitted some tribes to start on new construction projects, and assisted still other tribes in completing essential infrastructure for housing projects that they could not have otherwise afforded with their yearly IHBG allocations. Tribes have complied with the mandate to obligate the funds in an expeditious manner, thus helping stimulate tribal, regional and the national economies.

In addition to ARRA funding, Congress appropriated $700 million for the IHBG in fiscal year 2010, the first significant increase for the program since its inception. This positive step reversed a decade of stagnate funding levels that neither kept

[5] Eligible activities include but are not limited to down-payment assistance, property acquisition, new construction, safety programs, planning and administration, and housing rehabilitation.

pace with inflation nor addressed the acute housing needs in Native communities. As you know, the Congress did not continue the upward trajectory in Indian housing funding and the appropriations have remained flat for each the past two fiscal years at $650 million.

THE PRESIDENT'S 2013 BUDGET REQUEST FOR THE INDIAN HOUSING BLOCK GRANT

President Obama released his fiscal year 2013 budget request on February 13, 2012. The PBR established total spending of level of $3.80 trillion, up from an estimated $3.79 trillion enacted in fiscal year 2012. This spending level includes $44.8 billion in budget authority for HUD, a 3.2 percent increase above the fiscal year 2012 funding level.

Despite the increase in overall HUD spending, the administration has proposed level funding for the Indian Housing Block Grant (IHBG) at $650 million for fiscal year 2013. Were the President's budget proposal to be accepted, it would mark the third consecutive year that the budget would be flat-lined. The budget proposal also includes $60 million for the Indian Community Development Block Grant (ICDBG), the same level of funding that was appropriated in fiscal year 2012, and zero funding for the widely acclaimed training and technical assistance (T/TA) program. NAIHC respectfully requests that funding for the 2013 ICDBG be set at $100 million for the much-needed housing, infrastructure and economic development activities that the ICDBG provides, and that the T/TA funding be no less than $4.8 million.

The NAIHC is the only national Indian housing organization that provides comprehensive training and technical assistance (T/TA) on behalf of tribal nations and their housing entities. Because they know the value added by NAIHC, the NAIHC membership has voted unanimously during each of their annual conventions since 2006 to support a resolution that seeks to set aside a portion of their own Indian Housing Block Grant funding to support NAIHC's T/TA program. In addition, NAIHC members have expressed concerns about the quality of training provided by HUD contractors. Again, to ensure high quality T/TA, the NAIHC should be funded at not less than $4.8 million.

I want to again express, on behalf of the 271 tribal housing programs representing some 463 tribes that make up the NAIHC membership, our sincere gratitude for the subcommittee's support. It is worth noting that the ARRA funding spend-out rate for tribal programs exceeded the spend-out rate of HUD's non-Indian ARRA-funded programs. Spending rates for the tribal programs were at the 95 percent level, which is fully 10 percent more than the total HUD expenditure rate of 85 percent. When tribal communities are provided access to much needed housing funding, they are able to efficiently and effectively utilize these dollars to address the long-standing housing and infrastructure needs of their communities. Sustained Federal investment in housing and infrastructure for Native peoples is essential to maintaining the momentum gained by recent investment.

OTHER INDIAN HOUSING AND RELATED PROGRAMS

The Title VI and Section 184 Indian Housing Loan Guarantee Programs

The President's budget request includes $2 million for the Federal guarantees for Financing Tribal Housing Activities, also known as the Title VI Loan Guarantee program, and $7 million for the Indian Housing Loan Guarantee Program, also known as the Section 184 Program. The Title VI program is important because it provides a 95 percent loan guarantee on loans made by private lenders, which is an incentive for lenders to get involved in the development of much needed housing in tribal areas.

The Section 184, Indian Home Loan Program, is specifically intended to facilitate home loans in Indian Country. NAIHC believes that, based on several years of experience, the PBR for these two programs, funded at $2 million for the title VI program as requested in the PBR, but respectively request that the funding for the Section 184 program be restored to the $9 million level that was enacted for fiscal year 2009.

Indian Community Development Block Grant

While appreciated, the President's proposal of $60 million for the ICDBG is insufficient to meet the current needs for essential infrastructure, including sewer and running water, in Indian Country. We request that this program be funded at $100 million.

Native Hawaiian Housing

Low income Native Hawaiian families continue to face tremendous challenges, similar to those that tribal members face in the rest of the United States. The President's funding request of $13 million for the Native Hawaiian Housing Block Grant is appreciated; however, NAIHC recommends this program be funded at $20 million. And the budget includes no funding for the section 184A program in Hawaii. While it has taken some time to get this program started—because lenders are not familiar with the section 184A program—providing no funding would be a step backward for Native Hawaiian families working toward homeownership. We urge Congress to consider this before agreeing to the administration's proposal to eliminate funding for the program.

TRAINING AND TECHNICAL ASSISTANCE AND THE PROPOSED TRANSFORMATION INITIATIVE

The President's proposed budget eliminates entirely the much-needed, exceptional T/TA that has been provided by NAIHC since the inception of NAHASDA. The provision of T/TA is critical for tribes to build their capacity to effectively plan, implement, and manage tribal housing programs. Eliminating funding for T/TA would be disastrous for tribal housing authorities and would be a huge step in the wrong direction. Tribes need more assistance in building capacity, not less.

Since NAIHC's funding for T/TA was restored in 2007, requests for T/TA have steadily grown. The funding that NAIHC is currently receiving is insufficient to meet the continuous, growing demand for T/TA. Therefore, we are forced to make difficult decisions regarding when, where, and how to provide the most effective T/TA possible to our membership.

The budget request proposes an agency-wide Transformation Initiative Fund (TIF) with up to 0.5 percent of HUD's total budget, which would draw funds away from essential housing programs, including $3.3 million from the IHBG account, "to continue the on-going comprehensive study of housing needs in Indian Country and native communities in Alaska and Hawaii." While the NAIHC membership believes the TIF may have merit, we do not believe that transferring nearly $3.3 million from the IHBG is a wise or even defensible use of IHBG funds.

More importantly, the $3.3 million affects funding that has historically been appropriated to NAIHC for T/TA. As I have previously noted, the NAIHC membership has repeatedly taken the position that a portion of the IHBG allocation should be provided to NAIHC for T/TA, which is a reflection of their confidence in NAIHC and the continuing demand for the essential capacity-building services that we provide. We request that funding in the amount of $4.8 million for T/TA be included in the fiscal year 2013 budget.

CONCLUSION

NAHASDA was enacted to provide Indian tribes and Native American communities with new and creative tools necessary to develop culturally appropriate, safe, decent, affordable housing. While we value and appreciate the investment and efforts that this administration and the Congress have made possible, NAIHC has very specific concerns, enumerated above, with the President's proposed budget for the Indian housing funding levels and hopes that Congress, with the leadership of this important committee, will work with the NAIHC and the administration to recognize the acute housing needed that continue to exist in tribal communities.

Consider these needs against a backdrop that includes the following observation from the Government Accountability Office (GAO) in their report 10–326, Native American Housing, issued in February 2010 to the Senate Committee on Banking and the House Committee on Financial Services which noted that the following:

"NAHASDA's first appropriation in fiscal year 1998 was $592 million, and average funding was approximately $633 million between 1998 and 2009. The highest level of funding was $691 million in 2002, and the lowest was $577 million in 1999. For fiscal year 2009, the program's appropriation was $621 million. However, when accounting for inflation, constant dollars have generally decreased since the enactment of NAHASDA. The highest level of funding in constant dollars was $779 million in 1998, and the lowest was $621 million in 2009." [6]

The needs in Indian Country have not lessened since this report was issued just 2 years ago. In fact, a cursory review of the Department of Commerce's Bureau of the Census suggests the needs continue to increase along with a growing and ever

[6] See GAO Report 10–326 at www.gao.gov/products/GAO-10-326.

younger population. In a report prepared in November 2011[7] the Census reported that:

—The Nation's American Indian and Alaska Native population increased by 1.1 million between the 2000 Census and 2010 Census, or 26.7 percent, while the overall population growth was 9.7 percent;

—The median income of American Indian and Alaska Native households was $35,062 compared with $50,046 for the Nation as a whole;

—The percent of American Indians and Alaska Natives that were in poverty in 2010 was 28.4 percent compared to the 15.3 percent for the Nation as a whole; and

—The percentage of American Indian and Alaska Native householders who owned their own home in 2010 was 54 percent compared with 65 percent of the overall population.

I wish to conclude this written testimony by thanking Chairwoman Murray, Ranking Member Collins, and all of the members of this subcommittee for allowing us to express our views and our aspirations. NAHASDA is a key element in improving the overall living conditions in Native America. The path to a self-sustaining economy is not achievable without a robust housing sector and tribal housing conditions will not be improved without adequate funding. NAHASDA is not just about constructing houses. It is about building tribal communities—communities where health and safety are a top priority and where education can take place. Not only is the tribal economy impacted, but so too are the lives of families and individuals who live in substandard housing.

I know we can count on you to support our efforts. Together, we can continue the important work of building communities in Indian Country. Your continued support of Native American communities is truly appreciated, and the NAIHC is eager to work with you and your professional staff on any and all issues pertaining to Indian housing programs and living conditions for America's indigenous people.

Prepared Statement of the University Corporation for Atmospheric Research

On behalf of the University Corporation for Atmospheric Research (UCAR), I submit this written testimony to the Senate Committee on Appropriations, Subcommittee on Transportation, Housing and Urban Development, and Related Agencies, for the committee record. UCAR is a consortium of over 100 research institutions, including 77 doctoral-degree granting universities, which manages and operates the National Center for Atmospheric Research (NCAR). I respectfully urge the subcommittee to support:

—The Federal Aviation Administration's (FAA's) Research, Engineering and Development account—$180 million, including $18 million for the Weather Program and $10 million for Weather Technology in the Cockpit.

—FAA's Facilities and Equipment account—$285 billion which includes $57.2 million for System-Wide Information Management (SWIM) and $23.8 million for Common Support Services.

—The Federal Highway Administration's (FHWA's) Intelligent Transportation Systems (ITS) program—the full request of $110 million which includes $46.1 million for IntelliDrive V–V and V–I Communications for Safety and $15.5 million for Dynamic Mobility Applications.

Life and property could be spared, and economic performance improved across the Nation, if weather information were utilized more effectively by decision makers such as airline pilots, personal vehicle drivers, and the trucking industry. Over the past two and a half decades, the Department of Transportation (DOT), in partnership with NCAR and the academic community, has creatively and economically developed technologies to foresee weather-related problems and mitigate the effects of meteorological hazards, including wind shear, icing, and turbulence. Leveraging the expertise of the research community, the FAA and FHWA depend on their partners to develop weather-resilient systems and infrastructure. I would like to comment on the following programs that support continued collaborative partnerships between the DOT, FAA, and FHWA and the atmospheric science community:

FEDERAL AVIATION ADMINISTRATION

Current and projected growth in the volume, complexity, and economic importance of air transportation clearly demonstrates the need for a new paradigm supporting

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[7] See Census at http://www.census.gov/newsroom/releases/archives/facts__for__features__special__editions/cb11-ff22.html.

air traffic services in the 21st century. Many new factors compound the new century's challenge to safe and efficient air operations. For example, aircraft passenger and freight load requirements will be 2–3 times higher, increasing use of polar routes will introduce new hazards to crews and passengers, and new navigational technologies that allow more flexible routing and separation of aircraft are not fully compatible with the current air traffic control system. Capacity will become an increasingly limiting factor at many airports. Efficiency of flight operations en-route will become more critical. Since weather conditions seriously affect air traffic operations (the cost to divert a flight, for example, is upwards of $150,000), the manner by which weather is observed, predicted, disseminated and used within air traffic decision processes and systems is of critical national importance. Thus, it is critical to invest in Federal research and development efforts that will help mitigate these costs and increase safety.

FAA RESEARCH, ENGINEERING, AND DEVELOPMENT (RE&D)

The fiscal year 2013 request continues important work in current research areas, including aviation weather research. The proposed budget supports enhanced Next Generation Air Transportation System (NextGen) research and development efforts in the areas of air-ground integration, weather information for pilots, and environmental research for aircraft technologies as well as alternative fuels to improve aviation's environmental and energy performance. The following programs can be found within the RE&D section of the fiscal year 2013 FAA budget request.

Weather Program.—The goal of the Weather Program is to increase safety and capacity, and to support NextGen. A number of aviation weather research projects are underway, in collaboration with industry representatives, focusing on in-flight icing, turbulence, winter weather and deicing protocols, thunderstorms, ceiling, and visibility. One example of a system that translates a large amount of weather data into significant safety and delay improvements is the Aviation Digital Data Service (ADDS). This strong collaboration between the FAA and the National Weather Service provides the latest forecasting breakthroughs to the entire aviation community to help reduce significant safety hazards and major causes of system delays. Using ADDS, accurate forecasts of aviation weather can be translated into probable impacts to the system. This allows for improved decisionmaking, resulting in improved safety and reduced delays.

I am very concerned that the budget request will not support the R&D needs of the Weather Program. The request for this program is down from the fiscal year 2010, fiscal year 2011, and fiscal year 2012 funding levels and is operating at half the level of funding of 10 years ago. Yet our skies have become more crowded, with more than 87,000 flights in each day according to the National Air Traffic Controllers Association, and the need for this research greater. To address the challenges and to meet the research needs of NextGen, I urge you to support $18 million, at a minimum, for the Weather Program for fiscal year 2013.

Weather Technology in the Cockpit.—Pilots currently have little weather information as they fly over remote stretches of ocean where some of the worst turbulence is encountered. At the very least, providing pilots with an approximate picture of developing storms could help guide them safely around areas of potentially severe turbulence.

In addition, the most vulnerable pilots, those engaged in General Aviation activities, are forced to make critical weather decisions in the cockpit without support of a ground-based dispatcher for assistance. Weather Technology in the Cockpit is launching a project to develop a mobile meteorological capability for use by this community.

Weather Technology in the Cockpit leverages research activities with other agencies, academia and the private sector by enabling the adoption of cockpit technologies that provide pilots with hazardous weather information and improve situational awareness. I am very disappointed that the President's fiscal year 2013 request of $4.8 million for this small but life-saving program was reduced almost 50 percent from fiscal year 2012 levels. I urge the subcommittee to fund the Weather Technology in the Cockpit program at $10 million, at a minimum.

FAA FACILITIES AND EQUIPMENT

Within Facilities and Equipment, I would like to call your attention to the following extremely important programs:

NextGen Network Enabled Weather (NNEW).—Delays in the National Airspace System (NAS) are primarily attributable to weather. According to the FAA, over the last 5 years more than 70 percent of delays of 15 minutes or more, on average, were caused by weather. Weather also affects safety. Between 1994 and 2003, weather

was determined to be a contributing factor in over 20 percent of all accidents. Currently, most operational decision tools do not utilize weather information effectively or at all. Exploring, identifying, and employing better methods for data collection and communication will help facilitate the flow of operation-specific weather data and information to end users. The NNEW multiagency project is dedicated to using and developing technologies and standards for NextGen that will support effective dissemination of weather data. NNEW will develop the FAA's portion of the 4-Dimensional (4-D) Weather Data Cube. This will provide standardized information from disparate contributors and locations, to a variety of end-users such as air traffic managers and pilots.

In the fiscal year 2013 request, the NNEW activity is listed under System-Wide Information Management (SWIM). Funding for the R&D work contributing to the 4-D Weather Data Cube will come from Common Support Services within SWIM, requested at $23.8 million. These services disseminate aviation weather information in a network enabled environment. From fiscal year 2008 to fiscal year 2012, UCAR helped the FAA frame and establish this effort under the name NextGen Net-Enabled Weather (NNEW). I strongly urge the subcommittee to support the $23.8 million request for Common Support Services within System-Wide Information Management (SWIM) and recommend that Congress retain the NextGen Network Enabled Weather (NNEW) title.

NextGen Reduce Weather Impact.—The current weather observing network of the National Airspace System is inadequate to meet the needs of NextGen. The NextGen Reduce Weather Impact program will increase network capacity, reducing congestion and meeting projected demand in an environmentally sound manner. Working with appropriate scientific, modeling and user communities, current sensor information and dissemination shortfalls will be identified and evaluated. Technologies for optimizing and improving automated aircraft weather reporting will be investigated to meet NextGen requirements. The Reduce Weather Impact portfolio will leverage the NNEW transformational program that will interface with NOAA's 4-D Weather Data Cube, for universal common access to weather information. To continue the work of NextGen Reduce Weather Impact, I urge the subcommittee to increase the fiscal year 2013 funding for the program from the requested $16.6 million to $43.2 million.

FEDERAL HIGHWAY ADMINISTRATION

According to the National Highway Traffic Safety Administration, there are over six million vehicle crashes on average each year. Twenty-four percent of these crashes—over 1.5 million—are weather-related. Weather-related crashes are defined as those crashes that occur in adverse weather (i.e., rain, sleet, snow, and/or fog) or on slick pavement (i.e., wet pavement, snowy/slushy pavement, or icy pavement). On average, 7,130 people are killed and over 629,000 people are injured in weather-related crashes each year. The FHWA Road Weather Management Program seeks to better understand the impacts of weather on roadways, and promote strategies and tools to mitigate those impacts. UCAR and its partners are key contributors the FHWA's vision of "Anytime, Anywhere Road Weather Information" for road users and road operating agencies. Central to this commitment is the FHWA's Intelligent Transportation Systems program within its Research, Technology and Education Program.

Intelligent Transportation Systems (ITS) within the Department of Transportation's Research and Innovative Technology Administration (RITA).—The Connected Vehicle Technology (formerly IntelliDrive) program remains the centerpiece of the DOT ITS 2010–2014 Strategic Research Plan. This program creates partnerships between government, industry, academia and others to specify, develop and produce the necessary technology to continuously gather and broadcast information about a moving vehicle, including its surrounding weather conditions.

An example of leading edge applications and services supported by ITS is the Vehicle Data Translator, a prototype tool being developed at UCAR that will give drivers near-immediate information about unforeseen hazards. The system, which underwent field testing this past winter in Minnesota and Nevada, will inform drivers of what weather conditions they can expect to encounter in the next few seconds and minutes, giving them a critical opportunity to slow down or take other action. Once the system is operational, an onboard digital memory device will collect weather data such as temperature, and indirect indications of road conditions such as windshield wipers being switched on, or the activation of antilock brakes. The processed data will then be used to warn motorists about upcoming hazards—everything from icy roads to a nearby vehicle that is being driven erratically—and suggest al-

ternate routes, if appropriate. The system will also alert emergency managers to hazardous driving conditions and help road crews clear snow more efficiently.

To meet its core research and technology transfer mission, and support projects like the Vehicle Data Translator, I urge the subcommittee to support the requested amount of $110 million for ITS, which includes $46.1 million for IntelliDrive V–V and V–I Communications for Safety and $15.5 million for Dynamic Mobility Applications.

On behalf of UCAR, I want to thank the subcommittee for its leadership in supporting research and development and technology transfer programs within the FHWA and FAA and for your commitment to ensuring safer, more efficient air and road travel. I urge you to support these relatively small but critically important R&D programs within the FHWA and FAA fiscal year 2013 budgets.